IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1291 OF 2007
IN
CRIMINAL APPEAL NO. 1238 OF 2007.

Shahalam Moinuddin Saiyad..... ....Applicant.
V/s
The State of Maharashtra ... .Respondent.

Mr.Niranjan Mundargi, Adv. For the applicant.

Mr.S.R.Shinde APP for the respondent.

CORAM: A.P.DESHPANDE, J.
6/12/07

PC:

The applicant has been convicted for an offence punishable under section 366A of the Indian Penal Code and sentenced to suffer RI for three years, pay fine of Rs.500/ and in default further RI for two months. Under section 354 of IPC the applicant is sentenced to suffer RI for two years, pay fine of Rs.500/- and in default further RI for two months. The substantive sentences are to run concurrently.

2. Heard learned counsel for both the parties. Perused the evidence of child witness P.W.3-Tabassum-victim. Prima facie her evidence does not implicate the present applicant-accused. The only eye witness Shehnaz has not been examined. There is no identification parade held. Perused the judgment. The matter requires consideration. In my view this is a fit where the applicant-

accused be enlarged on bail. The applicant was on bail during trial and has not misused the same. Even after conviction the Court below released the applicant on bail. In the result I direct that the applicant-accused be released on bail on the same terms and conditions on which he was released on bail during the trial on executing fresh bail bonds. At this stage learned APP submits that some condition be imposed on the applicant-accused. Hence I further direct that the applicant-accused shall report Mumbra police station once in every fortnight till the decision of the appeal.

6.12.07